

EXHIBIT BBB

REDACTED PUBLIC
VERSION

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN JOSE DIVISION
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6 IN RE: HIGH-TECH EMPLOYEE)
7 ANTITRUST LITIGATION)
8) No. 11-CV-2509-LHK
9 THIS DOCUMENT RELATES TO:)
10 ALL ACTIONS.)
11 _____)
12
13

14 CONFIDENTIAL - ATTORNEYS' EYES ONLY
15 VIDEO DEPOSITION OF PAMELA ZISSIMOS
16 November 13, 2012
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20 REPORTED BY: GINA V. CARBONE, CSR NO. 8249, RPR, CCRR
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10:51:04 1 THE WITNESS: Define factors.

10:51:08 2 MR. HARVEY: Q. You can use a different
10:51:09 3 word if you want. What I'm getting at is I'm trying
10:51:12 4 to understand what is discussed during those
10:51:14 5 conversations with the hiring managers; for example,
10:51:17 6 do they say well, our budget is lean this year, we
10:51:22 7 can only offer X, we can't go above Y? Do they say
10:51:26 8 things like that?

10:51:27 9 A. No.

10:51:28 10 MS. HENN: Object to form.

10:51:30 11 MR. HARVEY: Q. No. So if you could, in
10:51:32 12 as general terms as you like, explain -- I can say
10:51:35 13 categories instead of factors -- categories of
10:51:38 14 things that you talk about with the hiring manager
10:51:41 15 in these discussions you've had about what
10:51:46 16 compensation to offer candidates.

10:51:48 17 MS. HENN: Objection. Lack of foundation.
10:51:51 18 Vague.

10:51:54 19 THE WITNESS: Typically when I meet with a
10:51:56 20 hiring manager, and we know that we want to move forward
10:52:00 21 with a candidate, we will discuss the person's
10:52:03 22 experience and -- years of experience and/or what
10:52:16 23 they've worked on. And we will compare them internally
10:52:26 24 to who we feel internally they are comparable to
10:52:30 25 experience wise, and then we'll kind of base it from

10:52:32 1 there. Talk about it from there.

10:52:35 2 MR. HARVEY: Q. So you don't want to pay
10:52:36 3 someone out of whack with what other people who are
10:52:39 4 doing similar things are being paid, correct?

10:52:41 5 MS. HENN: Objection. Lack of foundation.
10:52:43 6 Vague.

10:52:53 7 THE WITNESS: Can I hear the question again.

10:52:58 8 MR. HARVEY: Can you please read back the
10:52:59 9 question.

10:53:05 10 (Record read as follows: So you don't want to
10:53:05 11 pay someone out of whack with what other people
10:53:05 12 who are doing similar things are being paid,
10:53:05 13 correct?)

10:53:07 14 MS. HENN: Objection. Lack of foundation and
10:53:09 15 vague.

10:53:15 16 THE WITNESS: Yes.

10:53:29 17 MR. HARVEY: Q. Do you participate in
10:53:30 18 compensation planning firmwide at Pixar?

10:53:40 19 THE WITNESS: No.

10:53:41 20 MS. HENN: And just belated objection for lack
10:53:44 21 of foundation.

10:53:47 22 MR. HARVEY: And that's to my prior question?

10:53:49 23 MS. HENN: Yes.

10:53:54 24 MR. HARVEY: Q. Have you ever made
10:53:55 25 presentations or communicated with anyone on Pixar's

10:53:59 1 compensation committee?

10:54:00 2 A. No.

10:54:02 3 Q. Do you participate in any committees at Pixar?

10:54:06 4 MS. HENN: Objection. Lack of foundation.

10:54:10 5 THE WITNESS: Committees, no.

10:54:15 6 MR. HARVEY: Q. Do you report to anyone at

10:54:17 7 Disney?

10:54:18 8 A. Do I?

10:54:20 9 Q. Uh-huh.

10:54:20 10 A. No.

10:54:28 11 Q. When you reported directly to Lori McAdams, how

10:54:30 12 often would you communicate with her on a weekly basis?

10:54:37 13 A. Once a week.

10:54:38 14 Q. And were those one-on-ones?

10:54:40 15 A. Uh-huh.

10:54:40 16 Q. And that's when you and Lori McAdams would sit

10:54:42 17 down in person and have a conversation?

10:54:44 18 A. Yes.

10:54:45 19 Q. And did you communicate with her aside from

10:54:47 20 those one-on-ones, either by email or telephonically?

10:54:52 21 A. Every once in a while.

10:54:54 22 Q. And that was multiple times a week; is that

10:54:55 23 right?

10:54:56 24 A. I can't recall.

10:54:57 25 Q. And now moving away from when you directly

01:12:51 1 preference that Pixar not hire folks directly out of
01:12:55 2 Apple corporate headquarters?

01:12:57 3 A. I had an understanding that we had a
01:12:59 4 no-poaching policy process that we did with Apple.

01:13:03 5 Q. But I'm asking about whether you know or you've
01:13:06 6 ever heard anybody talk about Steve Jobs' preference
01:13:10 7 that Pixar not hire folks directly out of Apple
01:13:13 8 corporate headquarters.

01:13:14 9 A. No, I can't speak for Steve Jobs' preference.

01:13:17 10 Q. I'm not asking you to speak for him. I'm
01:13:19 11 asking you to reflect on your own memories and your own
01:13:22 12 personal experience. Have you ever heard anybody say
01:13:24 13 this at Pixar, to the effect that Steve Jobs preferred
01:13:29 14 that Pixar not hire folks directly out of Apple
01:13:32 15 corporate headquarters?

01:13:34 16 A. No, I have not heard it like that. No.

01:13:38 17 Q. And then Karen Chelini responds --

01:13:43 18 A. Chelini.

01:13:45 19 Q. I'm sorry, Chelini. I have a line through the
01:13:46 20 N.

01:13:47 21 Who is Karen Chelini?

01:13:49 22 A. She was the talent manager at the time.

01:13:52 23 Q. Okay. And she says, "I'm certain we'd have to
01:13:55 24 go through the same protocol as with any Apple
01:13:59 25 employee."

01:13:59 1 Do you know what protocol she's referring to?

01:14:02 2 A. I don't know what she's referring to, no.

01:14:10 3 Q. Do you have an understanding of what Pixar's
01:14:14 4 protocol was with respect to Apple employees prior to
01:14:16 5 the DOJ investigation?

01:14:23 6 A. My understanding was in order for us to
01:14:26 7 consider an Apple employee as a candidate, we couldn't
01:14:34 8 make an offer without letting Steve Jobs know. And
01:14:42 9 that, to me, my understanding is that got more loose
01:14:50 10 once Disney bought us.

01:14:51 11 Q. Okay. Why would Disney's purchase of Pixar
01:15:01 12 affect Pixar's recruitment of Apple?

01:15:09 13 A. My understanding is that because Steve was more
01:15:19 14 on the Disney board, but still involved with Pixar, but
01:15:24 15 it -- because of -- because of him not being at Pixar as
01:15:29 16 regularly as he was, it just loosened the -- the
01:15:39 17 strictness that it was on -- that was on it.

01:15:42 18 Q. How did the protocol change once Disney
01:15:45 19 purchased Pixar?

01:15:47 20 A. I don't know it necessarily changed. It was
01:15:49 21 just my acknowledgment that it seems not as --

01:15:55 22 Q. That it wasn't enforced as strictly? Is that
01:15:58 23 fair to say?

01:15:59 24 A. Yes.

01:16:00 25 Q. Okay. And then if you go up one in time, Lori

01:16:10 1 McAdams responds and says, "I chatted with Greg, and he
01:16:13 2 and I agree that it should be okay for us to hire from
01:16:16 3 the retail outlets. HOWEVER," in all caps, "we should
01:16:22 4 talk with Ed first to make sure he agrees and/or clears
01:16:26 5 it with Steve."

01:16:29 6 She's talking about Ed Catmull, correct?

01:16:34 7 A. Yes.

01:16:35 8 Q. And Steve here is Steve Jobs?

01:16:37 9 A. I don't know.

01:16:38 10 Q. Okay. You can put that to the side.

01:17:00 11 This document is being introduced as
01:17:02 12 Plaintiffs' Exhibit 369 and it's Bates stamped
01:17:04 13 Pixar 3599.

01:17:17 14 (Whereupon, Exhibit 369 was marked for
01:17:17 15 identification.)

01:17:19 16 MR. HARVEY: Q. And as before, this was in
01:17:20 17 2005 before you worked at Pixar.

01:17:22 18 A. Okay.

01:17:22 19 Q. But just let me know once you've had a chance
01:17:24 20 to look at it.

01:17:26 21 A. Okay.

01:18:15 22 Okay.

01:18:18 23 Q. Do you know who Howard Look is?

01:18:20 24 A. Yes.

01:18:21 25 Q. Who is he?

01:18:22 1 A. I'm sorry, I don't know his exact title. I
01:18:25 2 don't know his exact title.

01:18:27 3 Q. Do you know roughly what his job
01:18:28 4 responsibilities were?

01:18:29 5 A. Kind of like a CIO at the time.

01:18:32 6 Q. And that's chief information officer?

01:18:34 7 A. Yeah.

01:18:36 8 Q. Here he -- on October 21st, 2005, writes Ed
01:18:41 9 Catmull and he says, "I asked you a couple of months ago
01:18:45 10 about an Apple employee that would really like to work
01:18:47 11 at Pixar, but you indicated that there was just too much
01:18:50 12 craziness in getting that approved, and I let it go."

01:18:54 13 Have you ever spoken to anybody at Pixar
01:18:58 14 about -- or seen anywhere craziness in getting Apple to
01:19:05 15 approve the hiring of one of its employees?

01:19:16 16 A. I guess I'm going to have to ask what you mean.

01:19:18 17 Q. By what?

01:19:19 18 A. Well, craziness is a loose term.

01:19:23 19 Q. Sure.

01:19:23 20 A. So I don't --

01:19:24 21 Q. Sure. That's fair. Say difficulties.

01:19:31 22 A. Uh-huh.

01:19:33 23 Q. In your experience, have there been
01:19:35 24 difficulties getting Apple to approve an Apple -- or
01:19:37 25 hire from Apple?

01:19:38 1 A. I have not experienced it.

01:19:39 2 Q. Have you ever spoken to anybody at Pixar about
01:19:41 3 that or seen any evidence of that?

01:19:44 4 MS. HENN: Objection. Compound.

01:19:45 5 THE WITNESS: I have not seen any evidence of
01:19:46 6 it, no.

01:19:48 7 MR. HARVEY: Q. Okay. And then Ed Catmull
01:19:58 8 responds three days later on October 24th, "If I
01:20:01 9 talk to Steve, he will want the name of the guy. My
01:20:05 10 guess is that Steve will approve it if he knows that
01:20:07 11 he is going to lose him, but we would have to go
01:20:10 12 through the step of Apple knowing what is
01:20:13 13 happening."

01:20:14 14 Is this consistent with your understanding of
01:20:17 15 how Pixar raised the issues of potential Apple hires
01:20:21 16 with Steve Jobs?

01:20:23 17 MS. HENN: Objection. Vague as to time.

01:20:28 18 MR. HARVEY: Q. Prior to Disney's
01:20:30 19 acquisition of Pixar.

01:20:34 20 A. My understanding is that in order to make an
01:20:36 21 offer to an Apple employee, it would have to go through
01:20:41 22 Steve. Yes.

01:21:00 23 MR. HARVEY: This is introduced as Plaintiffs'
01:21:01 24 Exhibit 370, and it's Bates stamped Pixar 3481.

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01:21:14 1 (Whereupon, Exhibit 370 was marked for
01:21:14 2 identification.)
01:21:15 3 MR. HARVEY: Q. And this one does have you
01:21:16 4 on it, so please let me know when you've had a
01:21:20 5 chance --
01:21:21 6 A. As Harbidge.
01:21:27 7 Q. Yeah.
01:21:39 8 A. Okay.
01:21:40 9 Q. If you go back -- well, throughout this, is
01:21:43 10 this an email exchange that you participated in between
01:21:48 11 October 4th, 2006 and October 6th?
01:21:51 12 A. Uh-huh.
01:21:51 13 Q. Sorry. That's a yes?
01:21:52 14 A. Yes. Sorry. Yes.
01:21:54 15 Q. And if you go to the first in time email, the
01:21:56 16 one you wrote October 4th you say that you have
01:21:59 17 scheduled a phone interview with [REDACTED]. Do you
01:22:03 18 recall the application process of [REDACTED]?
01:22:10 19 A. No.
01:22:11 20 Q. We'll go through it and maybe your memory will
01:22:14 21 improve.
01:22:14 22 A. Okay.
01:22:16 23 Q. Let's see. And then you wrote this to Allan
01:22:19 24 Poore. Who is Allan Poore?
01:22:27 25 A. Gosh. I don't know his title either. He was

1 I, Gina V. Carbone, Certified Shorthand
2 Reporter licensed in the State of California, License
3 No. 8249, hereby certify that the deponent was by me
4 first duly sworn and the foregoing testimony was
5 reported by me and was thereafter transcribed with
6 computer-aided transcription; that the foregoing is a
7 full, complete, and true record of said proceedings.

8 I further certify that I am not of counsel or
9 attorney for either of any of the parties in the
10 foregoing proceeding and caption named or in any way
11 interested in the outcome of the cause in said caption.

12 The dismantling, unsealing, or unbinding of
13 the original transcript will render the reporter's
14 certificates null and void.

15 In witness whereof, I have hereunto set my
16 hand this day: November 26, 2012.

17 ___X___ Reading and Signing was requested.

18 _____ Reading and Signing was waived.

19 _____ Reading and signing was not requested.

20

21

22

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GINA V. CARBONE

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